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Author: Elizabeth Ann Egasti
Writer's Direct Line: (414) 270-2710
Email: eaegasti@mbf-law.com

October 15, 2004

Commissioner for Patents
Office of Initial Patent Examination's
Filing Receipt Corrections
P.O. Box 1450
Alexandria, VA 22313

Re: Application Serial No. 10/720,027
Filed November 20, 2003
Applicants: Todd W. Johnson et al.
Title: "Method and System for Battery Protection"
Our Docket No.: 066042-9536-01

Dear Sir:

We received an updated Filing Receipt for the above-referenced patent application (the "Application"), which reflects a filing date of August 30, 2004. We respectfully contest that this updated Filing Receipt is erred. The Application was filed November 20, 2003, as evidenced by the original filing receipt, application transmittal, Express Mail airbill and return receipt postcard, copies of which are enclosed.

We received a Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted, issued on February 26, 2004 indicating that Figures 41 and 42 were not received by the United States Patent Office with the originally-filed Application. However, the Application claims priority to seven provisional applications, incorporating by reference and including the disclosures of each of those seven provisional applications, as indicated on the application transmittal and the first page of the Application. Figures 41 and 42 were included in the disclosure of provisional application No. 60/523,716, filed on November 19, 2003.

As previously presented in our response to the Notice to File Missing Parts, the Second Preliminary Amendment and the Declaration of Elizabeth A. Egasti, all of which were filed on August 25, 2004, the Applicants contend that the Application, as of the November 20, 2003 filing date, did include Figures 41 and 42 through the incorporation by reference of provisional application No. 60/523,716 and also included proper support for Figures 41 and 42 in its Detailed Description section. Therefore, the addition of Figures 41 and 42 in the Application did not constitute new matter, and the Application should be granted the original filing date of November 20, 2003. Copies of Figures 41 and 42 as filed with that provisional application, along with copies of the provisional application transmittal, return receipt postcard and filing

Commissioner for Patents
Office of Initial Patent Examination's
Filing Receipt Corrections
October 15, 2004
Page 2

receipt are enclosed. These Figures 41 and 42 are the same as Figures 41 and 42 in the Application.

For your reference, we have also enclosed copies of the utility patent application transmittal, the first page of the Application, the Express Mail airbill dated November 20, 2003, the return receipt postcard bearing a filing date of November 20, 2003, the original Filing Receipt confirming a filing date of November 20, 2003, and the Updated Filing Receipt. Accordingly, please issue a corrected Filing Receipt granting the Applicants the November 20, 2003 filing date for the Application (serial No. 10/720,027).

Please contact me if you have any questions regarding this matter.

Yours very truly,



Elizabeth A. Egasti
Registration No. 54,635

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/720,027	11/20/2003	2838	0.00	066042-9536-01	72	107	6

23409
 MICHAEL BEST & FRIEDRICH, LLP
 100 E WISCONSIN AVENUE
 MILWAUKEE, WI 53202



CONFIRMATION NO. 3207

FILING RECEIPT



OC000000011985003

Date Mailed: 02/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Todd W. Johnson, Wauwatosa, WI;
 Dennis J. Grzybowski, New Berlin, WI;
 Mark A. Kubale, West Bend, WI;
 Jay J. Rosenbecker, Menomonee Falls, WI;
 Karl F. Scheucher, Waite Hill, OH;
 Gary D. Meyer, Waukesha, WI;
 David A. Hempe, Wauwatosa, WI;
 Jeffrey M. Zeiler, Delafield, WI;
 Kevin L. Glasgow, Lomira, WI;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/428,358 11/22/2002
 and claims benefit of 60/428,450 11/22/2002
 and claims benefit of 60/428,452 11/22/2002
 and claims benefit of 60/440,693 01/17/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/26/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for battery protection

Preliminary Class

323

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
60/523,716	11/19/2003		160	066042-9536-00	74		

CONFIRMATION NO. 9473

23409
MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

FILING RECEIPT

OC000000012418290

Date Mailed: 04/22/2004

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Todd W. Johnson, Wauwatosa, WI;
Dennis J. Grzybowski, New Berlin, WI;
Mark A. Kubale, West Bend, WI;
Jay J. Rosenbecker, Menomonee Falls, WI;
Karl F. Scheucher, Waite Hill, OH;
Gary D. Meyer, Waukesha, WI;
David A. Hempe, Wauwatosa, WI;
Jeffrey M. Zeiler, Delafield, WI;
Kevin L. Glasgow, Lomira, WI;

If Required, Foreign Filing License Granted: 04/21/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Method and system of battery protection

16

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/720,027	08/30/2004	2838	2724	066042-9536-01	74	107	6

CONFIRMATION NO. 3207

UPDATED FILING RECEIPT



OC000000014010838

23409

MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

Date Mailed: 10/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

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Karl F. Scheucher, Waite Hill, OH;
Gary D. Meyer, Waukesha, WI;
Jeffrey M. Zeiler, Delafield, WI;
Kevin L. Glasgow, Lomira, WI;

Power of Attorney: The patent practitioners associated with Customer Number 23409.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/428,358 11/22/2002
and claims benefit of 60/428,450 11/22/2002
and claims benefit of 60/428,452 11/22/2002
and claims benefit of 60/440,692 01/17/2003
and claims benefit of 60/440,693 01/17/2003
and claims benefit of 60/523,716 11/19/2003
and claims benefit of 60/523,712 11/19/2003

Foreign Applications

If Required, Foreign Filing License Granted: 02/26/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/720,027

Projected Publication Date: 01/13/2005

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for battery protection

Preliminary Class

323

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

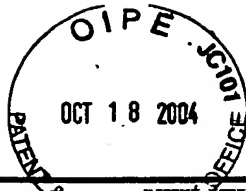
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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	<i>Attorney Docket No.</i>	066042-9536-01
	<i>First Named Inventor</i>	
		Todd W. Johnson
	<i>Express Mail No.</i>	EV323218327US

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EV323218327US

Sir:

Enclosed for filing is a complete patent application, entitled "METHOD AND SYSTEM OF BATTERY PROTECTION" invented by:

Todd W. Johnson
2034 N. 115th Street
Wauwatosa, WI 53226

Dennis J. Grzybowski
18638 W. Lookout Lane
New Berlin, WI 53146

Mark A. Kubale
103 N. 16th Avenue
West Bend, WI 53095

Jay J. Rosenbecker
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Karl F. Scheucher
7136 Eagle Rd.
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Gary D. Meyer
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Waukesha, WI 53188

David A. Hempe
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Wauwatosa, WI 53213

Jeffrey M. Zeiler
830 S. West Shore Dr.
Delafield, WI 53018

Kevin L. Glasgow
498 Grove St.
Lomira, WI 53048

and including the following documents:

Specification including Claims - 66 pages
Abstract of the Disclosure
Drawings - 73 sheets
Return Receipt Postcard
No filing fee is included at this time.

Please use Figure 1 for front page of published application.

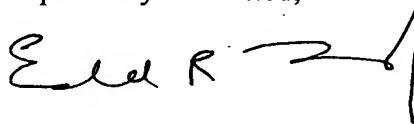
This application claims the benefit of prior filed co-pending provisional patent application number 60/428,358 filed on November 22, 2002, provisional patent application number 60/428,450 filed on November 22, 2002, provisional patent application number 60/428,452 filed on November 22, 2002, provisional patent application number 60/400,692 filed January 17, 2003, provisional patent application number 60/440,693 filed on January 17, 2003, provisional patent application number _____ filed on November 19, 2003 (Attorney Docket No. 066042-9536-00), and provisional patent applications number _____ filed on November 19, 2003 (Attorney Docket No. 066042-9538-00). ✓

This patent application incorporates by reference Application Serial Nos. 60/428,358, 60/428,450, 60/428,452, 60/400,692, 60/440,693, _____ (Attorney Docket No. 066042-9536-00), _____ (Attorney Docket No. 066042-9538-00), _____ (Attorney Docket No. 066042-9538-01) filed on November 20, 2003. The entire disclosure of these applications is considered as being part of the accompanying application.

☒ Customer Number

23409

Respectfully submitted,



Edward R. Lawson Jr.
Reg. No. 41,931
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108

Date: November 20, 2003
cc: Docketing
Wkg Atty. ERL, EAE
Resp Atty. DBS
X:\clientb\066042\9367\A0691405.1

METHOD AND SYSTEM FOR BATTERY PROTECTION

RELATED APPLICATIONS

The present patent application claims the benefit of prior filed co-pending U.S. provisional patent application Serial No. 60/428,358, filed on November 22, 2002; Serial No. 60/428,450, filed on November 22, 2002; Serial No. 60/428,452, filed on November 22, 2002; Serial No. 60/400,692, filed January 17, 2003; Serial No. 60/440,693, filed on January 17, 2003, prior filed co-pending U.S. provisional patent application entitled "METHOD AND SYSTEM FOR BATTERY PROTECTION" filed on November 19, 2003 (Atty. Docket No. 066042-9536-00); and prior filed co-pending U.S. provisional patent application entitled "METHOD AND SYSTEM FOR BATTERY CHARGING" filed on November 19, 2003 (Atty. Docket No. 066042-9538-00), the entire contents of which are hereby incorporated by reference. The entire content of U.S. patent application entitled "METHOD AND SYSTEM FOR BATTERY CHARGING" filed on November 20, 2003 (Atty. Docket No. 066042-9538-01) is also hereby incorporated by reference.

FIELD OF THE INVENTION

The present invention generally relates to a method and system for battery protection and, more particularly, to a method and system for power tool battery protection.

5

BACKGROUND OF THE INVENTION

Cordless power tools are typically powered by portable battery packs. These battery packs range in battery chemistry and nominal voltage and can be used to power numerous tools and electrical devices. Typically, the battery chemistry of a power tool battery is either Nickel-cadmium ("NiCd"), Nickel-Metal Hydride ("NiMH") or lead-acid. Such chemistries are known to be robust and durable.

10

SUMMARY OF THE INVENTION

Some battery chemistries (such as, for example, Lithium ("Li"), Lithium-ion ("Li-ion") and other Li-based chemistries) require precise charging schemes and charging operations with controlled discharge. Insufficient charging schemes and uncontrolled discharging schemes may produce excessive heat build-up, excessive overcharged conditions and/or excessive overdischarged conditions. These conditions and build-ups

15



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Attn: IP Docketing
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100 E WISCONSIN AVE FL 29
MILWAUKEE WI 53202-4107

066042-9536-01/EAEgasti/mahietpas

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- ☒ Transmittal Letter
☒ PATENT APPLICATION
☒ Specification (Incl. Claims if any) 66 Pgs.
☒ Abstract of Disclosure
☐ Information Disclosure Statement
☐ Patent Copies
☐ Declaration & Power of Attorney
☐ Declaration Claiming Small Entity Status
☐ Assignment and Conveyance
☒ Drawings 13 Sheets
☐ Response to Missing Parts Notice
☐ Response to Office Action/Amendment
☐ Request for Ext. of Time for filing ()
☐ Issue Fee Transmittal
☐ Formal Drawings _____ Sheets
☐ Maintenance Fee Transmittal
☐ Fee Amount \$ _____ Check No. _____
☐ Fee Amount \$ _____ Check No. _____

() Other (Specify) 31281 U.S. PTO
10/720027



Inventor: Todd W. Johnson et al.

Title: Method and System of Battery Protection

() Serial/Patent No. _____

Due Date: _____ Mail Date: 11/20/03

File No.: 01/01/02-9536-01 Attorney: DBS/ERL
EHE

03



PROVISIONAL PATENT APPLICATION UNDER §111(b)	<i>Attorney Docket No.</i>	066042-9536-00
	<i>First Named Inventor</i>	
	Todd W. Johnson	
	<i>Express Mail Label No.</i>	EV323218344US

Mail Stop PROVISIONAL PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Enclosed for filing is a complete provisional patent application entitled "METHOD AND SYSTEM OF BATTERY PROTECTION" invented by:

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New Berlin, WI 53146

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Menomonee Falls, WI 53051

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Gary D. Meyer
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Waukesha, WI 53188

David A. Hempe
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Wauwatosa, WI 53213

Jeffrey M. Zeiler
830 S. West Shore Dr.
Delafield, WI 53018

Kevin L. Glasgow
498 Grove St.
Lomira, WI 53048

and including the following documents:

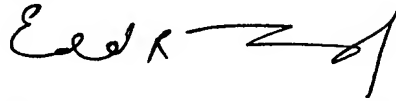
Specification including Claims - 66 pages
Abstract of the Disclosure
Drawings - 74 sheets
Return Receipt Postcard

Charge Deposit Account No. 13-3080 with the filing fee of \$160.00 associated with this communication. A duplicate copy of this sheet is enclosed.

☒ Customer Number

23409

Respectfully submitted,



Edward R. Lawson Jr.
Reg. No. 41,931
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108

Date: November 19, 2003
cc: Docketing
Wkg Atty. ERL
Resp Atty. DBS

X:\clientb\066042\9367\A0691812.1

- ☒ Transmittal Letter
☒ PATENT APPLICATION PROVISIONAL
☒ Specification (Incl. Claims if any) 66 Pgs.
☒ Abstract of Disclosure
☐ Information Disclosure Statement
☐ Patent Copies
☐ Declaration & Power of Attorney
☐ Declaration Claiming Small Entity Status
☐ Assignment and Cover Sheet
☒ Drawings 74 Sheets
☐ Response to Missing Parts Notice
☐ Response to Office Action/Amendment
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BOOKING

MILWAUKEE, WI



17548 U.S. PTO
60/523716

Inventor: Todd W. Johnson et al.

Title: Method and System of Battery Protection

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